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LEGAL ASPECTS OF STUDENT TEACHING.

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THE LEGAL POSITION OF STUDENT TEACHERS WAS STUDIED. A SURVEY OF STATUTES, ATTORNEY GENERALS' OPINIONS, AND CASE LAWS IN 10 STATES WAS CONDUCTED. THE LEGAL ASPECTS OF STUDENT TEACHING SURVEYED WERE (1) THE LIABILITY FOR PUPIL INJURY, (2) THE AUTHORITY TO REGULATE PUPIL CONDUCT, AND (3) THE LEGAL RESPONSIBILITY OF PUBLIC SCHOOL CORPORATIONS AND OF SPONSORING INSTITUTIONS. SOURCE MATERIAL WAS OBTAINED FROM CALIFORNIA, CONNECTICUT, INDIANA, KENTUCKY, NEW JERSEY, NEW YORK, OREGON, PENNSYLVANIA, WASHINGTON, AND WEST VIRGINIA. AN ANALYSIS OF PREVIOUS STUDIES RELATED TO THE STUDY WAS MADE AND DOCUMENTED. CONCLUSIONS WERE PRESENTED FOR EACH OF THE ASPECTS STUDIED. GENERALLY, THE RECOMMENDATIONS MADE WERE (1) EACH STATE SHOULD ENACT LEGISLATION TO AUTHORIZE STUDENT TEACHING IN THE PUBLIC SCHOOLS AND DEFINE THE AUTHORITY DELEGATED TO THE STUDENT TEACHER, (2) SAVE-HARMLESS STATUTES SHOULD BE PROVIDED OR REVISED TO COVER STUDENT TEACHERS, (3) STATES OPERATING UNDER THE RULE OF GOVERNMENTAL IMMUNITY SHOULD PROVIDE INSURANCE PROTECTION TO STUDENT TEACHERS AND SUPERVISING TEACHERS, (4) STATE DEPARTMENTS OF EDUCATION SHOULD ESTABLISH RULES TO GUIDE CONDUCT OF STUDENT-TEACHING PROGRAMS IN PUBLIC SCHOOLS. (AL)

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LEGAL ASPECTS OF STUDENT TEACHING

Cooperative Research Project S-075

by Dr. Fred Swalls

Indiana State University

Terre Haute, Indiana

1965

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Dr. J. Fred Swalls

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CHAPTER I

THE PROBLEM

During the first thirty years of this century, student teaching was carried on mainly in laboratory schools attached to teacher-education institutions, and, generally, such schools were under the direct control of the normal school, college, or university. However, since 1930, public schools have come to be used for student teaching and laboratory schools have been used increasingly to carry on functions of the teacher-education program other than student teaching.

Increased enrollments in teacher education and the changing role of the laboratory school have caused teacher-education institutions to place ever increasing numbers of student teachers in public schools. Private schools in some instances have also cooperated in taking student teachers. This shift in the locale of the student-teaching function has caused a multitude of questions to be raised and many of these are legal in nature.

In this development in teacher education, we have seen schools and school corporations share a part of the responsibility for teacher education with institutions of higher learning. In effect, many public school corporations and some private schools have become to a limited exient partners with institutions in the education of

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teachers.

Questions raised by both the personnel of cooperating schools involved in student teaching and personnel of colleges and universities responsible for the student-teaching programs have stimulated the investigator to do this study.

The problem was to examine four legal aspects of student teaching:

1. The student teacher's authority to regulate pupil conduct.

2. The liability of the student teacher for pupil injury.

3. The legal responsibility of the institution which conducts the student-teaching program for the student teacher.

4. The legal responsibility of the school corporation which accepts student teachers for the actions and welfare of student teachers placed with it.

In this study the answers to the following questions were sought:

1. When does a college or university have authority to conduct a program of student teaching?

2. Under what conditions does a local school corporation have authority to permit student teaching in its schools?

3. What authority does a student teacher have to regulate the conduct of pupils in his charge?

4. Is the student teacher liable for injury to pupils when such injury occurs under his supervision?

5. For the actions of the student teacher, what legal responsibility does the local school corporation and the teacher-education institution have?

6. For the welfare of the student teacher, what legal responsibility does the school corporation and the teacher-education institution have?

THE PROCEDURE AND LIMITATION OF THE STUDY

The historical method of conducting legal and educational research was employed in this study.

Statutes, attorney generals' opinions, and case law of ten states were sought that had a bearing upon the legal aspects of student teaching. A preliminary survey of the sources of information revealed that the following nine states yielded more primary source material than the other states. These states were: (1) California; (2) Connecticut; (3) Kentucky; (4) New Jersey; (5) New York; (6) Oregon; (7) Pennsylvania; (8) Washington; and (9) West Virginia. Indiana was the tenth state selected because it was the investigator's home state.

Decisions of the higher courts of all states were canvassed, because the investigator learned from his preliminary study that litigation relative to the topic under study was scarce.

There was always the possibility that a statute, an attorney general's opinion, or a court case was overlooked. This investigator does not claim infallibility in this respect. A planned program of locating information was followed with the help of legal librarians, and the digests for each of the ten states selected was used as a final check against oversights. Even with this planned safeguard, there possibly have been some oversights.

SOURCES OF INFORMATION

The annotated statutes of each of the ten states selected were studied along with the attorney general's opinions. The Decennial Digest was used in an attempt to locate pertinent cases arising in all states.

As a final check the investigator studied the published digest of court cases and attorney general's opinions of each of the ten selected states.

For previous studies relative to the topic, the investigator studied secondary sources which are cited in Chapter II.

CHAPTER II

LITERATURE RELATED TO THE PROBLEM

In 1937, Cecil H. Allen studied the legal aspects of practice teaching (student teaching) throughout the United States.[1] He investigated the legal principles that govern student teaching in state teachers colleges, normal schools, and public schools. His sources were the constitutions, statutes, court decisions, and administrative rules of 41 states. He also studied contractual relations between teacher-education institutions and public schools. He concentrated on the establishment of normal schools, teachers colleges and student teaching in those schools. He also covered student teaching in public schools. The study is thorough and brings up to 1937 an almost complete picture of the legal status of student teaching in the United States.

Allen found in 1937, that out of 56 institutions checked, all were involved in student teaching in the public schools. Of the 56, fifteen were using formal contracts in writing,

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[1] Cecil H. Allen, Legal Principles Governing Practice Teaching in State Teachers Colleges, Normal Schools, and Public Schools, George Peabody College for Teachers, 1937, Contributions to Education, No. 184.

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while 41 institutions were using verbal agreements with local boards and superintendents.[2]

Allen also found that the arrangements for student teaching in public schools developed by teacher-education institutions had been repeatedly upheld by law.[3] He found four plans provided by statutes:

1. Campus training schools operated as an integral part of the normal schools or teachers colleges completely supported and controlled by them.

2. The training schools located on or near the campuses of colleges under the complete control of the college but supported partly from local district funds.

3. The training school operated on or off campus supported and controlled jointly by the institution and the local school or municipal board.

4. The affiliated plan whereby student teaching was done in the grades of the public schools for which privilege the institution provided some satisfactory compensation.

Allen stated that, while these four general plans of affiliation were quite evident, many modifications and combinations of them were put into actual practice. The

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[2] Ibid., pp. 109-116.

[3] Ibid., pp. 25-26.

laws in most states in providing for practice-teaching facilities seemed to outline a few general principles and regulations and left the method of procedure to delegated authorities.

Allen concluded that student teaching in the public schools was supported by specific legislation in several states. In other states, he found nothing in the general laws of the states to prevent such practices. He stated, "The extensive use of this plan of organization, also, has tended to establish its educational soundness as well as its legal justification."[4]

Among specific conclusions reached by Allen, the following are pertinent to the problem under study here.[5]

1. The scope of public schools used as student-teaching facilities included both the elementary and high schools. High schools were used less frequently than elementary.

2. The use of public-school children under proper supervision seemed to involve no violation of their legal rights.

3. Public schools may be used to provide student-

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[4] Ibid., p. 31.

[5] Ibid., pp. 137-139.

teaching facilities for student teachers for which privilege the teacher-education institutions tended to make definite compensation. This usually supplemented the salary of the supervising teacher.

4. Legal standards governing training schools and student teaching were applied mainly through regulations of state boards of education and state departments of education that govern the certification of public school teachers.

5. While student teachers should meet certain academic standards to engage in student teaching, it seemed to be an accepted legal principle that they should not be required to hold or qualify for teachers' certificates.

Mead devoted two chapters of his book, published in 1930, to the legal status of student teaching.[6] He reviewed the statutes and case law concerned with the establishment of practice or laboratory schools connected with normal schools, teachers colleges, and universities.

In his review of the legislation of that period, he pointed out states that had statutes that legalized what he referred to as the cooperative system; that is, a condition which authorized teacher-education institutions to enter into cooperation with public school corporations for student teaching to be carried on in said corporations. He reported

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[6] A. R. Mead, Supervised Student Teaching (Chicago: Johnson Publishing Co., 1930), pp. 681-783.

that Pennsylvania, Tennessee, and Vermont had such legislation.

Brink studied large universities that used public schools for student teaching--twenty-two state universities and eighteen private.[7] All forty institutions had enrollments of 4,000 or more. In twenty-six of the institutions, all student teaching was done in public schools. In fourteen, both public schools and university laboratory schools were used. Twelve universities indicated that they made formal contracts for student teaching with the public school corporation, while the remainder indicated that they operated under "gentlemen's" agreements made between directors of student teaching and school superintendents.

Rucker, in 1952, found that there had been a drive to offer student teaching in off-campus schools.[8] This he reported had appeared in the literature for the last 20 years.

He reported that the campus or laboratory school was undergoing a changing role. Demonstration teaching, research, observation, and participation of students prior to student teaching had placed such a burden on campus schools that student teaching in these schools had been reduced. He

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[7]William G. Brink, "The Administration of Student Teaching in Universities Which Use Public Schools," Educational Administration and Supervision, 31:394-402, October, 1945.

[8]Winfred Ray Rucker, A Critical Analysis of Current Trends in Student Teaching, Doctoral Thesis, unpublished, School of Education, Harvard University, 1952.

stated that the changing role of the laboratory school and the large increase in enrollment in teacher education had forced institutions to use public schools for student teaching.

Rucker reported five important trends in the status of student teaching.[9]

1. A trend towards increasing the time allotment for student teaching in all programs and types of institutions. The full-day in student teaching was seen more frequently.

2. A trend towards increased use of off-campus schools for student teaching, particularly in teachers colleges.

3. A trend towards the reduction of student teaching and an increase in demonstration teaching in campus schools.

4. A trend towards the decentralization of the supervision of student teaching.

5. A trend towards more responsibility being delegated to departments of education for the supervision of student teaching.

Edwards studied the case law surrounding the authority of local boards of education to permit student teaching in the public schools.[10] He concluded that where a board of

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[9] Ibid., pp. 149-150.

[10] Newton Edwards, The Courts and The Public Schools, Revised Edition, University of Chicago Press, 1955, pp. 157-158.

education was vested by statute with broad powers and discretion in the management of schools, it could determine the course of study and maintain a model school for student teaching and observation. Students doing student teaching would not be required to have teachers' certificates. Control over the student-teaching facilities for student teachers must be exercised wholly by the local board. It was permissable for the local board and a college board to pay jointly the salaries of teachers who supervised student teachers. The employment of such teachers must be done by the local board.

A. R. Mead discussed several legal problems related to laboratory schools and student teaching in public schools.[11] He reported that state departments of education had not only the power to license teachers but to prescribe the requirements for certificates, and because of this student teaching was a legal requirement for certification.

Mead also reported an increase in statutory law requiring or permitting teacher-education institutions to contract with public school corporations to provide for student teaching.

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[11] A. R. Mead, "Legal Status of Laboratory Schools and Teacher Education Laboratory Practices," Journal of Teacher Education, 8:356-364, December, 1957.

He also raised the question, "Can a child be taught legally by a student teacher who is not certificated to teach?" He claimed that this question had only been answered by statutes and that California was the only state with such a statute.

Barkley studied the legal status of student teaching and dealt with three aspects of student teaching: (1) student teaching provisions as expressed in the statutes; (2) state regulations concerning teacher certification; and (3) judicial and administrative interpretations.[12]

Barkley found that 31 states had provided expressly for student teaching in teacher-education programs in statutes; six states had implied such authority; and 13 states including Alaska and the District of Columbia had neither expressed nor implied provisions for student-teaching programs.

Barkley concluded that the legal right of prospective teachers to engage in student teaching under the supervision of professional teachers is expressed or implied in a large majority of the individual state laws, and is sanctioned by judicial and/or administrative rulings. He also found that supervised student teaching had become a vital part of the teacher-education program in a majority of the states. Some

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[12]David Sanford Barkley, The Legal Status of Student Teaching, Doctoral Thesis, unpublished, Duke University, 1959.

had enacted laws which allowed the establishment of laboratory schools on campus, while others had authorized teacher-education institutions to establish model or practice schools in cooperation with public school systems.[13]

Breyer in Chapter 9 of Volume 3 of the Legal Problems of Education Series discussed the power to use student teachers.[14] He raised the question that undoubtedly the primary concern is whether or not express statutory authority is required before a school district can utilize the services of student teachers or maintain an experimental school for the use of college students obtaining their student teaching or whether authority may be found under the broad powers given to a school district in the conduct and management of public schools. He answered this question by stating that a school board may exercise only those powers expressed or implied by statute.

He stated that case law makes it clear that a school board cannot divest itself of control in the practice teaching area.

Breyer reviewed the California code relative to student teaching and the issuance of certificates to student teachers.[15]

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[13] Ibid., p. 10.

[14] Reynolds C. Seitz, Law and the School Principal, (Cincinnati: The W. H. Anderson Co.), 1961.

[15] Ibid., pp. 173-174.

Breyer in commenting on special problems in connection with the student-teaching program pointed out the following principles emerging from case law.

1. Since a student teacher does not hold a certificate he cannot be used as a teacher to qualify for state support.

2. The student teacher renders only temporary, gratuitous, or incidental services to the regular certified teacher.

3. Student teachers were said not to be teachers within the meaning of the law.

In discussing the liability of student teachers for personal injuries to pupils, Breyer again referred to the California Education Code which covers the certificate for student teachers. Without benefit of case law Breyer opined relative to the liability of student teachers for pupil injury.

Breyer reviewed the California case in which a student teacher was awarded benefits under the Workman's Compensation Act as a result of an injury received while supervising a playground. He reviewed several comparable cases to show the principle of employee-employer relationship.

Tieszen and Foreman studied some legal considerations of student teaching and reported it in 1961.[16] They raised

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[16] D. W. Tieszen and Charles M. Foreman, "Student Teaching--Some Legal Considerations," The Journal of Teacher Education 12:216-218, June, 1961.

the question as to whether a student teacher had authority to teach even temporarily without a certificate. One state said no even though that state required student teaching for certification. They reported two supreme court cases from New York dealing with legal status of the student teachers involved in tort. The Oregon statute was reported which provides the student teacher with full authority to teach as if he were certified. The California statute was reported which authorizes county superintendents to issue preliminary certificates to student teachers. The Pennsylvania law was reported which authorizes colleges to enter into agreements with local school corporations to provide facilities for student teaching in the local corporation. The law also provides colleges with authority to provide transportation to and from the place where student teaching facilities were made available.

In 1960, Tieszen and Foreman presented several questions involving the legal status of student teaching.[17] In this article the questions of the authority of the student teacher to regulate pupil conduct and his liability in tort were raised. Other questions raised about the legal status

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[17]D. W. Tieszen and Charles M. Foreman, "Legal Responsibility of the Student Teacher Identified as a Major Legal Problem," The Journal of Teacher Education, 11:442, November, 1960.

of the student teacher involved immunity in reporting information, exceeding delegated authority, substitute teaching, workmen's compensation, protection under save-harmless laws, right to certification after completing student teaching, and the limitation of responsibilities which may be delegated to student teachers.

Nolte and Linn reported on the student teacher in legal theory.[18] Among the aspects of student teaching, these men reported on the authority to permit practice teaching, statutory provision for student teaching, student teacher certification, liability of the student teacher in tort, and the legal rights of student teachers. Their sources were statutes, court decisions, books and periodicals.

Nolte and Linn report two New York cases involving the liability of the State for injuries to students while under the supervision of student teachers, and in both cases students were awarded damages. It is stated by these authors that no liability cases in states operating under governmental immunity involving student teachers have been reported.

L. O. Andrews reviewed the legal status of student

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[18]Chester M. Nolte and John Phillip Linn, School Law for Teachers, (Danville, Illinois: The Interstate Printers and Publishers, Inc.), 1963, pp. 307-325.

teaching and a state approach to student teaching.[19] He raised the question of whether the legal basis for student teaching should develop out of case law or receive a secure foundation through enactment of laws and regulations as was done in three states; namely California, Georgia and West Virginia. He seemed to advocate a comprehensive state approach to planning, operating, and financing a program of student teaching.

Thomas A. Shannon, legal advisor for the San Diego Unified School District, presented a paper to the National Organization on Legal Problems in Education in November, 1964.[20] He stressed that the teacher certification requirements of the states include student teaching and that student teaching was held to be the most important phase of the teacher preparation program.

Shannon raised the pertinent question, "How should the state express its interest in student teaching?" He mentioned four ways and these are enumerated as follows.

1. The state establishes and enforces a detailed program of student teaching.

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[19] L. O. Andrews, "State and Federal Aid for Student Teaching--Now?" The Journal of Teacher Education, Vol. XV, No. 2, June, 1964.

[20] Thomas A. Shannon, "Why Legislate Student-Teacher Laws," a paper presented to N.O.L.P.E., November 12-13, 1964, Denver, Colorado.

2. The state permits institutions which prepare teachers to set standards for student teaching.

a. The state may exercise indirect control over the program through accreditation regulations.

b. The state may delegate control over student teaching to institutions not accredited by the state.

3. The state permits professional education associations to set standards of student teaching.

4. The state does not take a position on student teaching.

Shannon said that the question of who actually shall control the student teaching program will depend, idealistically, on who can convince the public that it is best equipped for the task.

CHAPTER III

LEGAL AUTHORITY FOR STUDENT TEACHING

Authority to conduct a program of student teaching is basic to the investigation of the four legal aspects of student teaching set forth in the problem in Chapter I. The authority to permit student teaching whether determined by the courts or by statutes has an important bearing upon the legal status of student teachers.

The attitude that law makers have had towards the importance of teacher education in each of the states has determined to a large extent the student-teaching provisions found in the law.

Each of the ten states studied required student teaching for both elementary and secondary standard teacher certification, and with this type of requirement each state had said that student teaching must exist as a part of the teacher education program.[1]

The remainder of this chapter is devoted to documenting the legal provisions for student teaching in each of the ten states studied.

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[1] Letters from the certification officers in California, Connecticut, Indiana, Kentucky, New Jersey, New York, Oregon, Pennsylvania, Washington, and West Virginia, August, 1963.

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I. CALIFORNIA

The governing board of any school district in California may enter into agreements with teacher-education institutions accredited by the State Board of Education to provide student teaching or supervised field experience in the public schools.[2]

The Preliminary Certificate. Section 13158 of the California Education Code, 1963, requires the county superintendent of schools to issue to persons in training for teaching a preliminary certificate. At the present time this certificate must be issued free of charge to the student. The California Appellate Court ruled that the preliminary certificate was a teachers' certificate entitling the holder to do cadet teaching without salary.[3]

The California statute requiring the issuance of a preliminary certificate to student teachers is as follows:[4]

> 13159. A preliminary certificate shall be issued to the holder of a recommendation from a state college, the University of California, or any private university or college accredited by the State Board of Education to train teachers. The certificate shall specifically authorize the holder to do student teaching and to do supervised field experience in such areas as may be called for in the requirements of the various authorized credentials for public school service without salary from district funds, and no student teaching or supervised

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[2] California Education Code, 1963, Section 1065.

[3] Blanchard v. Keppel, 160 P. 690, 31 C.A. 351 (1916).

[4] California Education Code, 1963, Section 13159.

> field experience may be performed without such a certificate. The holder shall be deemed a certificated employee of the district with respect to acts performed by him at the direction, suggestion, or consent of the certified employee under whose supervision and control the holder performs his duties whether or not such duties are performed entirely in the presence of the employees of the district assigned to supervise the holder.

Section 160 of the 1963 California Education Code limits the life of the certificate to two years and stipulates that no fee will be charged for the issuance of the certificate.

Provision is made by California statute to pay the traveling expenses of student teachers in vocational agriculture.[5]

II. CONNECTICUT

The State Board of Education in Connecticut is authorized by statute to confer academic degrees, set standards for licensure and accreditation, to issue certificates, and to control state colleges for teacher education.[6]

The State Board of Education is also authorized by statute to establish and maintain practice schools, under teachers approved by the State Board of Education, in which students of the state colleges shall have an opportunity to

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[5] California Education Code, 1963, Section 13553.

[6] Connecticut General Statutes Annotated, Vol. 5, Title 10, Sections 6, 7, and 109.

practice modes of instruction and discipline.[7]

III. INDIANA

Indiana's State Board of Education has authority vested in it to set certification standards and to issue licenses. It is also authorized to accredit teacher-education institutions.[8]

The four public higher institutions of learning in Indiana are authorized by statute to organize laboratory schools, or "model schools" as expressed by statute, for the purpose of providing student teaching.[9]

Indiana also has a statute which authorizes Indiana State University, Ball State University, Indiana University, and Purdue University to establish laboratory schools, and in order to do this, to enter into contract with local boards of education and township trustees, from whose corporations children are drawn into the laboratory schools, to fix the proportionate share paid by the State for the education of the children in such schools.[10]

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[7] Ibid., Title 10, Section 111.

[8] Burns Indiana Annotated Statutes, Title 28, Sections 4201 and 4205.

[9] Ibid., Title 28, Sections 5214 and 5401.

[10] Ibid., Title 28, Section 5702.

Since Ball State University was the eastern branch of the Indiana State Normal School (Indiana State University) at the time of the enactment of the statute, it has been assumed that authority is implied to do this by Ball State even though it now operates alone under a separate board of trustees.

As to the authority to conduct student teaching in public schools, it would seem to require a most liberal interpretation of the statutes in Indiana to say that implied power to do this is found in the statutes.

If the legal question of the authority of local boards of education to permit student teaching in Indiana public schools came to court, the answer could possibly be negative.

In an Indiana Supreme Court decision the court held that if there were doubt that a school district has authority to act, the doubt would be resolved against the school corporation.[11]

IV. KENTUCKY

The certification of teachers is vested in the State Board of Education of Kentucky and the teacher education curricula are prescribed by the Council on Public Higher Education and approved by the State Board. Also, in spelling

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[11] Caldwell v. Bauer, 179 Ind. 146, 99 N.E. 117.

out the purposes of state colleges the Kentucky Legislature has included the "science and art of teaching", the operation of training schools, and the conduct of field service and research.[12] Practice or laboratory schools were authorized to be established by the board of regeants of each of the state teachers' colleges.[13]

Kentucky has one of the few attorney generals' opinions issued on student teaching in the nation. The Attorney General of Kentucky stated in his opinion:[14]

> Student teaching is recognized as a fundamental part of teacher education. Student teaching programs involve generally the cooperative efforts of the teacher training institution, the supervisor of such institution, the local school district, and the regular teacher under whom the student teacher works.
>
> It is the general rule of law that a school district is entitled to exercise not only those powers and duties expressly conferred by statute, but also those powers and duties which are necessarily implied. See State-line Consolidated School District No. 6 v. Farewell Independent School District, 48 S.W. 2d. 616. See also K.R.S. 160.160 and 160.290.
>
> Hence, in the exercise of reasonable discretion, a board of education may decide that it is in the best interests of the school district to participate in the student teacher-training program.

Without express statutory authority to conduct student teaching in the public schools of Kentucky, at least those

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[12] Kentucky Revised Statutes, 1962, Volume II, Sections 161.030 and 164.300.

[13] Ibid., Section 164.380.

[14] Kentucky O.A.G., 1963, No. 269.

persons normally involved in such a program have a legal guide to follow. The Kentucky Attorney General holds that the decision to participate in a student teaching program is a discretionary matter with the local board.

V. NEW JERSEY

The Commissioner of Education in New Jersey subject to the approval of the State Board of Education among other things prescribes courses of study and controls the granting of diplomas recommended by state normal schools and teachers colleges. He, also, subject to the approval of the State Board, may maintain practice schools to serve students in teacher education with observation of children and student teaching.[15]

The New Jersey State Department of Education has developed a guide for schools and colleges participating in student-teaching programs.[16] Whether or not this document has legal status, the investigator does not know, but it apparently has been approved by the Commissioner of Education and the State Board of Education. There is no indication

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[15] New Jersey Statutes Annotated, 1963, Title 18, Sections 16-11, 16-20, and 16-30.

[16] New Jersey State Department of Education, Policies and Procedures for The Assignment of Student Teachers: A Guide for Schools and Colleges, 175 West State Street Trenton, New Jersey.

that it is an administrative rule but it does represent agreement among New Jersey's State Teachers Colleges and the State Department of Education. It is a policy statement approved by the New Jersey State Department. The bulletin is designed to guide the student teaching program in local school districts.

VI. NEW YORK

The Commissioner of Education of the State of New York is authorized to establish and conduct teacher-education programs in teacher-education institutions of the State.[17]

The Board of Trustees of the University of New York is empowered by statute to enter into contract with district boards in whose districts teachers' colleges are located for the education of children by such colleges.[18]

Clear authority to do student teaching in the public schools in districts in which teacher-education institutions are not located is not apparent in these statutes.

VII. OREGON

Oregon has a statute which specifically authorizes

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[17] The Consolidated Laws of New York Annotated, Book 16, 1953, Section 305, subsection 12.

[18] Ibid., Section 306.

student teaching in the public schools.[19] The statute is quoted below:

> Any district board may at its discretion authorize the use of all or any part of the public schools under its jurisdiction for training school purposes, and for this purpose may enter into a contract with the Department of Higher Education upon such terms as may mutually be agreed upon.

The legislature of Oregon also has defined a training school as a school in which pupils are taught wholly or in part by students of a standard teacher-education institution approved by the State Board of Education.[20]

Authority of the Student Teacher to Teach. Oregon has a statute which rather clearly defines the authority of the student teacher to teach and the body of the statute is cited as follows:[21]

> (1) Any student of a state normal school, or of a standard teacher-training institution approved by the State Board of Education under O.R.S. 342.090 to 342.100, who is assigned to teach in a training school hereby is vested with full authority to teach during the time such student is so assigned, and such assignment shall have the same effect in all respects as if the student were the holder of a valid teacher's certificate.
>
> (2) Any contract entered into by the district school board and the Department of Higher Education shall in all other respects have the same effect and be subject to the same requirements as a contract between a teacher and a school district board.

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[19] Oregon Revised Statutes, 1961, Replacement, Section 342.565.

[20] Ibid., Section 342.560 [21] Ibid., Section 342.575.

The intent of the above statute clearly shows that the student teacher has the same status as a regular teacher. No case arising in Oregon was found which challenged Section 342.575 of O.R.S.

VIII. PENNSYLVANIA

Pennsylvania has a law which clearly authorizes arrangements for student teaching in its public schools. A portion of the body of the statute is quoted as follows:[22]

> Each college shall provide practice teaching facilities so organized and administered that those students of the college who are preparing for the teaching profession shall acquire therein a practical knowledge of the art of teaching under the instruction and supervision of their proper teachers. It shall be lawful for the board of any district to enter into an agreement between such board of trustees and board of school directors by which all or part of the pupils of such school district may be instructed in the training school in such college upon terms mutually agreeable to the board of trustees and the board of school directors concerned. It also shall be lawful for the board of trustees of any college and the board of school directors of any district or districts to enter into an agreement upon terms mutually satisfactory, in accordance with which all or part of the classes of such district or districts may be available for practice teaching facilities for students of such college. . . .

The above statute further sets forth that all agreements entered into for student teaching must be approved by the state superintendent of public instruction.

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[22] Purdons Pennsylvania Statutes Annotated, 1962 Replacement, Title 24, Section 20-2006.

IX. WASHINGTON

The state of Washington has a statute on its books which defines the general public school system.[23] Included in the definition are elementary and secondary schools, junior colleges, departments for special instruction, University of Washington, State College of Washington, state colleges of education and various other types of schools established by law and maintained at public expense.

The State Board of Education in this state is required by law to approve courses for the education of teachers and to accredit teacher-education institutions.[24]

Washington has a statute which authorizes the use of district schools for the training of teachers, supervisors, principals, or superintendents.[25] This act was passed in the 1949 legislature and apparently supercedes a decision by the Washington Supreme Court wherein the court held that it could not say that the power to conduct a teacher training program was implied in the powers expressly granted to a school district. The court further held that a teacher education program carried on in the district schools was not essential to the purposes of the district. Certainty, said the court,

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[23] Washington Revised Statutes, 1963, Section 28.02.010.

[24] Ibid., Section 43.63.140. [25] Ibid., Section 28.76.350.

lay in express statutory authority for the participation of a local district in the teacher-education program.[26]

X. WEST VIRGINIA

In an important case tried by the West Virginia Supreme Court the question of using a public school for student teaching was resolved.[27] The court held that the district board of Fairmont was within the power granted to it by the legislature in establishing the model school for student teaching in a public school. The court said:

> The law requires the employment of competent teachers, but there is no express exclusion of assistant or under teachers. The student teachers are not employed, nor have they a particle of authority in management and control. While they are dealing with classes, the regularly employed, competent teachers stand over them and see that recitations are heard and instruction given according to their own judgment, will and discretion. This involves no delegation of their powers. It is a mere departure or variation in method, which in the opinion of some people is unwise and inefficient, and, in the opinion of others efficient and helpful. . . . The advantage to the student teachers is merely an incident of their own work under competent supervision. . . .

Teacher education in West Virginia is under the control of the State Board of Education and has been for many years. The 1963 legislature passed a bill which is an amendment to

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[26] McGilvra v. Seattle School District No. 1, 118 Wash. 619, 194 Pac. 817.

[27] Spedden et. al. v. Board of Education of Independent School District of Fairmont et. al., 81 S.E. 724, 74 W. Va. 181 (1914).

previous laws dealing with the training of teachers, classification and standardization of schools, and standards for degrees and diplomas. Because of its importance Section 6 of the bill is shown here.[28]

> Section 6. Training of Teachers, Classification and Standardization of Schools: Standards for Degrees and Diplomas--The education of teachers in the State shall be under the general direction and control of the State Board of Education, which shall, through the State Superintendent of Schools, exercise supervisory control over teacher preparation programs in all institutions of higher education, including student teaching in the public schools, in accordance with standards for program approval stated in writing by the Board. To give prospective teachers the teaching experience needed to demonstrate competence, as a prerequisite to licensure, the State Board of Education may enter into an agreement with county boards of education for the use of the public schools. Such agreement shall recognize student teaching as a joint responsibility of the teacher preparation institution and the cooperating public schools and shall include (1) the minimum qualifications for the employment of public school teachers selected as supervising teachers; (2) the remuneration to be paid public school teachers by the State Board, in addition to their contractual salaries for supervising student teachers; and (3) minimum standards to guarantee adequacy of facilities and program of the public school selected for student teaching. The student teacher, under the direction and supervision of the supervising teacher, shall exercise the authority of a substitute teacher.

West Virginia has a statute which spells out the status of the substitute teacher and this will be discussed in Chapter IV.

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[28] West Virginia Senate Bill Number 37, Passed March 7, 1963.

There is no doubt left in the mind of the reader as to the legality of student teaching in the public schools of West Virginia after reading Section 6 of this act.

In a letter received from the Division of Teacher Preparation and Professional Standards, this investigator was told that a committee had been at work for several months to plan the implementation of the new law.[29] A bulletin to help implement the law was prepared and approved by the State Board of Education.

XI. ILLINOIS AND IOWA CASES ON LEGAL AUTHORITY FOR STUDENT TEACHING

Illinois. Early in this century a case arose in Illinois regarding the power of a local board of education to pay salaries to public-school teachers charged with the responsibility for supervising student teachers.[30] The Supreme Court of Illinois concluded that:

1. The critic teachers were employed to perfect students from the University in the art of teaching and not to instruct pupils in the public school.

2. There was an attempt to merge the teacher preparation institution and the public schools.

3. The contract entered into by the local board and the university caused the board to delegate

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[29]Letter from Carson L. Cottrell, Assistant Director, Division of Teacher Preparation and Professional Standards, Department of Education, West Virginia, July 5, 1964.

[30]Lindbad v. Board of Education of Normal School District, et. al. 77 N.E. 450, 221 Ill. 261 (1906).

to the university the selection of the critic teachers and this was unlawful.

Judge Scott took a dim view of the arrangement and ruled to render the contract illegal.

Iowa. The Iowa case involved the following legal questions.[31]

1. The regularity and legality of the board of education selecting from a list of teachers proposed by the college to be employed as critic teachers.

2. The critic teachers were paid less than full-time wages by the local board. The remainder of their salaries was made up by the college. This was also challenged.

3. The question of the certification of student teachers at a later point became involved in the action.

The court held that:

1. Normal school students doing practice teaching in public schools without compensation and under the supervision of public school teachers are not required to have a teacher's certificate.

2. A teacher may lawfully divide her time between two schools and receive compensation from both, where both employers consent and payment is equitably apportioned.

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[31] Clay v. Independent School District of Cedar Falls et. al., 174 N.W. 47, 187 Iowa 89, (1919).

3. School directors did not abuse their discretion by permitting normal school students to do practice teaching in public schools without compensation and under the supervision of public school teachers.

XII. SUMMARY

Of the ten states under study, California was the only one that recuired a certificate for its student teachers.

The following states provided expressed statutory authority for student teaching in the public schools: (1) California; (2) Connecticut; (3) Oregon; (4) Pennsylvania; (5) Washington; and (6) West Virginia. The other four states may have had implied authority to conduct student teaching in the local school districts in which teacher education institutions were not located. Kentucky was the only state of the ten studied that had a positive legal guide for this set forth in an attorney general's opinion.

CHAPTER IV

FOUR LEGAL ASPECTS OF STUDENT TEACHING

This chapter deals with: (1) the authority of the student teacher to regulate pupil conduct; (2) student-teacher liability for pupil injury; (3) legal responsibility for the actions of student teachers; and (4) legal responsibility for the welfare of student teachers.

I. AUTHORITY OF THE STUDENT TEACHER TO REGULATE PUPIL CONDUCT

A search of case law, statutes, and attorney generals' opinions of five of the ten states yielded nothing on this point. The states were Connecticut, Indiana, New Jersey, New York, and Pennsylvania.

Some pertinent information was located for California, Kentucky, Oregon, Washington, and West Virginia.

California. Neither court cases nor attorney generals' opinions for California were located which shed light on this question. Section 13159 of the California Education Code, 1963, states that "the holder of a preliminary certificate shall be deemed a certified employee of the district with respect to the acts performed by him under the supervision and control of his supervisors."

This part of the statute is not clear and a legal interpretation needs to be made by an appropriate legal agency.

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Does the student teacher have the authority to control pupil conduct that is vested in his supervising teacher? Is this implied by his being deemed a fully certified employee while doing student teaching?

Kentucky. Although no statutes or decisions of higher courts for Kentucky were located which dealt with the topic, an attorney general's opinion was quite helpful.[1] A portion of the Kentucky O.A.G. is quoted below which is relevant to the authority of the student teacher to regulate pupil conduct.[2]

> K.R.S. Chapters 157 and 161 require the employment of competent certified teachers, but there is no express or implied exclusion of an assistant or student teacher. The student teacher cannot be employed by the local board of education, can receive no compensation from said board or exercise any authority in the management or control of the class. While a student teacher is working with the class, the regularly employed certified teacher must remain in a supervisory capacity to see that the recitations are heard and instructions given according to her own judgment and discretion. There can be no delegation of this authority and responsibility.
>
> The student teacher may be devoted in her pursuit of the art of teaching, but she is not a teacher within the meaning of the law, which has undertaken to insure that school children shall be taught only by those who have met, not those seeking to attain, a certain standard of proficiency.
>
> Therefore, it is the opinion of this office that a student teacher may not legally take charge of a classroom in the absence of the regular teacher. If such is done, the local school district would forfeit its right

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[1] Kentucky O.A.G. 1963. Official Opinion 269.

[2] Ibid., 1963, No. 269.

> to receive A.D.A. (average daily attendance), allotments for this unit because K.R.S. Chapter 157 provides that in computing this apportionment there shall be included only the attendance of pupils while engaged in educational activities required of such pupils and under the immediate control and supervision of an employee of the school district who possesses a valid certificate.

As to the authority of the student teacher in Kentucky to regulate pupil conduct, this opinion leaves no doubt. The investigator knows that in most instances the attorney general's opinion does not have the effect of law, but it is a legal guide.

Oregon. Under Oregon statutes any student of a normal school or a standard teacher-education institution approved by the Oregon State Board of Education, who is assigned to teach in a training school, is vested with full authority to teach during the time the student is assigned, and such assignment will have the same effect as if the student were the holder of a valid teaching certificate. Furthermore, contracts entered into between the Department of Higher Education and local school districts for student teachers will have the same effect as contracts entered into by regular teachers and local school districts.[3]

This would imply that student teachers have the same authority to regulate pupil conduct as regularly certified teachers under contract, but this interpretation is that of

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[3] Oregon Revised Statutes, 1961 Replacement, Section 342.575.

the investigator and not that of a legal agency in the State of Oregon. No such valid legal interpretation of the statute was located.

An Oregon Attorney General's Opinion held that teachers possess the authority to control the conduct of pupils attending school functions after school hours when such pupils are not accompanied by parents or under parental control.[4]

Does this imply that student teachers possess the same authority as regularly employed certified teachers? The answer was not found.

Washington. A search of annotated statutes and attorney general's opinions for the State of Washington yielded nothing on the authority of student teachers to regulate pupil conduct. The Supreme Court of Washington did say that student teachers could not be said to be teachers within the meaning of the law which was designed to make sure that children should be taught by only those properly qualified.[5] The implication of this statement is that student teachers would not have the authority to regulate pupil conduct in the State of Washington.

West Virginia. Senate Bill 37, enacted into law by the West Virginia Legislature on March 7, 1963, expressly states

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[4] Oregon Attorney General's Opinions, 1955-58, Vol. 28 page 3.

[5] School District No. 20 v. Bryan, 51 Wash. 498, 99 Pac. 28. Reaffirmed in State v. Preston, 79 Wash. 286, 140 Pac. 350.

that, "The student teacher, under the direction and supervision of the supervising teacher, shall exercise the authority of a substitute teacher."

A study of the statute defining the status of the substitute teacher for West Virginia and the authority of the student teacher resulted in uncertainty.[6] The statute on the substitute teacher stated that he shall be a duly certified teacher, receive pay, which shall be based upon the certificate and experience of the substitute teacher.

The substitute teacher under this statute may also be assigned by the superintendent with approval of the board of education:

(1) To fill the temporary absence of any teacher or an unexpired term made vacant by resignation, death, suspension, or dismissal.

(2) To fill a teaching position of a regular teacher on leave of absence.

(3) To perform the instructional services of any teacher who is authorized by law to be absent without loss of pay, providing such absence is approved by the board of education in accordance with the law.

It appears to the investigator that a legal interpretation of Senate Bill 37 as enacted into law will be needed to

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[6] West Virginia Code of 1961, annotated, Chapter 18, Section 1846a (43).

determine the legal status of the student teacher in West Virginia, because in Spedden et. al. v. Board of Education of Independent School District of Fairmont et. al., 1914, the court clearly said that student teachers have no authority in management and control of pupils in the classes they teach. The supervising teachers stand over the student teachers in all such matters.

II. LIABILITY OF THE STUDENT TEACHER FOR PUPIL INJURY

A search was made of the decisions of higher courts, statutes, and attorney generals' opinions for the ten states under study bearing upon student-teacher liability for pupil injury.

Save-Harmless Statutes. Four of the ten states studied had save-harmless statutes, California, Connecticut, New Jersey, and New York. The save-harmless statute of Connecticut specifically included protection for student teachers.[7] The Deputy Attorney General of New Jersey stated that he thought student teachers were protected under the New Jersey statute.[8] New York's statute included protection

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[7] Connecticut General Statutes, Annotated, Vol. 5, Section 10-235, 1964 Revision.

[8] Letter from Thomas F. Tansey, Deputy Attorney General of New Jersey, to Joseph E. Clayton, Assistant Commissioner of Education, New Jersey State Department of Education, June 22, 1962.

for practice or cadet teachers in corporations under 1,000,000 population, provided the duty was within the scope of employment and provided the board of education was notified of the legal action within ten days of the time the employee was served with a summons.[9]

Decisions of Higher Courts. In a New York case, a student teacher was found negligent in an injury resulting to a pupil who tried a head stand in a physical education class.[10] In another New York case, a college student was awarded damages from the State, when the court found negligence on the part of a State College because physical tests were directed by a college senior in the absence of the regular instructor.[11] The student received injuries to the cartilage of a knee, and the Court held that there was negligent breach of duty to provide proper supervision.

The States Without Save-Harmless Statutes. For Indiana, Pennsylvania, Washington, and West Virginia, there was found no statutes, decisions of higher courts or attorney generals' opinions pertinent to the topic.

The Kentucky Attorney General's Opinion held that the

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[9] McKinney's Consolidated Laws of New York Annotated, Section 3023, Cumulative Pocket Part, 1963.

[10] Gardner v. State of New York, 256 A.D. 385, 10 N.Y.S. (2d) 274, 22 N.E. (2d) 344, 1939.

[11] Brittan v. State, 103, N.Y.S. (2d) 485, 200 Misc 743, (1951).

authority and responsibility of the supervising teacher could not be delegated to the student teacher.[12] The Oregon statute which provided for student teaching in the public schools stated that when a student teacher is assigned such assignment shall have the same effect in all respects as if the student were the holder of a valid teacher's certificate.[13] No interpretation of this section of the statute was located, so therefore, it is clouded with legal uncertainty. The implication was that student teachers could be held liable the same as regular teachers.

In the State of Washington, school corporations may be sued, but there is a statute which provides exceptions to this.[14] Also, Washington school corporations are permitted to carry liability, life, health and accident insurance on school officers, students and employees.[15]

III. LEGAL RESPONSIBILITY FOR THE ACTIONS AND WELFARE OF STUDENT TEACHERS

A search for statutes, decisions of higher courts, and attorney generals' opinions dealing with responsibility for

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[12] Kentucky O.A.G., 1963, Official Opinion 269.

[13] Oregon Revised Statutes, 1963, Replacement, Section 342.575.

[14] Washington Revised Statutes, 1963, Section 28.58.030.

[15] Ibid., Section 28.76.410.

the actions and welfare of student teachers in the ten states under study yielded nothing except for the State of California.

The Supreme Court of the State of California in 1957 upheld the decision of the Industrial Accident Commission which held that a student teacher was legally entitled to compensation from the school district in which he was student teaching if he were injured while so engaged.[16] The legal point at issue was the relationship that existed between the student teacher and the school corporation. The Industrial Accident Commission held that the student teacher was an employee. In this case, the student teacher was injured while supervising students on a playground.

There was no contract between the school corporation and the student teacher, but there was a contract between the teacher-education institution and the school corporation. The school corporation had agreed to furnish facilities for student teachers in return for which it received money from the teacher education institution.

It must be remembered that student teachers in California are required to hold preliminary teaching certificates.

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[16] State Compensation Insurance Fund v. Industrial Accident Commission of California, 22 CCC 212, (1957).

IV. SUMMARY

A. Authority of the Student Teacher to Regulate Pupil Conduct.

1. The law of Connecticut, Indiana, New Jersey, New York, and Pennsylvania was silent on this point.

2. Although a California statute required the certification of student teachers, the supervising teacher appeared to possess the authority to regulate pupil conduct.

3. A Kentucky Attorney General's Opinion very clearly stated that the student teacher had no authority in the management or control of the class.

4. While the Oregon law stated that the assignment of the student teacher to a teaching position would have the same effect as if the student were the holder of a valid teaching certificate, there was not found a legal interpretation of that section of the statute. It was implied that the student teacher did have authority to regulate pupil conduct.

5. The Supreme Court of the State of Washington held that student teachers could not be said to be teachers within the meaning of the law.

6. The West Virginia statute of 1963 stated that the student teacher under the direction of his supervising teacher shall exercise the authority of a substitute teacher. This implied authority to regulate pupil conduct while the student teacher is under the supervision of the supervising teacher.

This statute was in conflict with a statement by the Supreme Court of West Virginia which held that student teachers had no authority in the management and control of pupils in their classes.

B. Liability of the Student Teacher for Pupil Injury.

1. The save-harmless statute of Connecticut specifically included protection for student teachers. An unofficial attorney general's opinion of New Jersey held that student teachers were protected under the State's save-harmless statute.

2. The New York save-harmless statute protected student teachers in school corporations having a general population of less than one million.

3. In a New York Supreme Court case a student teacher was found negligent.

4. A Kentucky Attorney General's Opinion held that the authority and responsibility of the supervising teacher could not be delegated to the student teacher.

5. An Oregon statute on student teaching stated that a student teacher when assigned shall be considered the holder of a valid teaching certificate. This implied the same liability attached to a certified teacher.

6. In four of the ten states studied, no law or legal guide was found bearing on the topic. The states were Indiana, Pennsylvania, Washington, and West Virginia.

C. Legal Responsibility for the Actions and Welfare of Student Teachers.

1. The Supreme Court of California held that a student teacher was entitled to comepnsation after being injured in a student-teaching assignment.

2. A search of the statutes, court decisions, and attorney general's opinions of the other nine states yielded nothing on this point.

CHAPTER V

CONCLUSIONS, IMPLICATIONS, AND RECOMMENDATIONS

I. CONCLUSIONS

Authority to Provide Student Teaching in the Public Schools. Six of the ten states studied provided expressed statutory authority for student teaching in the public schools; (1) California; (2) Connecticut; (3) Oregon; (4) Pennsylvania; (5) Washington; and (6) West Virginia.

The other four states, Indiana, Kentucky, New Jersey, and New York appeared to have had implied authority for student teaching in public schools.

Kentucky was the only one of the ten states that had an attorney general's opinion expressing approval of student teaching in the public schools.

Authority of the Student Teacher to Regulate Pupil Conduct. On the question of the authority of the student teacher to regulate pupil conduct among the ten states studied, there were three categories of findings: (1) no mention of this in the law; (2) implied by statutory language; and (3) authority denied by court decision or attorney general's opinion.

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1. The law of Connecticut, Indiana, New Jersey, New York, and Pennsylvania was silent on the authority of the student teacher to regulate pupil conduct.

2. Although a California statute required the certification of student teachers, the supervising teacher appeared to possess the authority to regulate pupil conduct.

3. The Kentucky attorney general's opinions clearly stated that the student teacher had no such authority.

4. An implication existed in the Oregon statute on student teaching that a student teacher could regulate pupil conduct, while the Supreme Court of Washington held that student teachers were not teachers within the meaning of the law.

5. The West Virginia statute authorizing student teaching seemed to imply that the student teacher had authority to regulate pupil conduct, but in an earlier decision by the West Virginia Supreme Court, the court specifically said that student teachers had no authority in the management and control of pupils.

Liability of the Student Teacher for Pupil Injury. The laws of the ten states varied considerably on this point. The findings may be classed generally into the following four categories: (1) no law or legal guide; (2) implications found in statutes and clarification through attorney generals' opinions; (3) specific coverage of student teachers in save-

harmless statutes; and (4) one court decision.

1. Save-harmless statutes of Connecticut and New York covered student teachers, while the Attorney General of New Jersey has held that student teachers are covered by that State's save-harmless statute.

2. In four of the ten states studied, no law or legal guide was found.

3. In three states, only an implication of the legal responsibility of the student teacher was found in statutes and an attorney general's opinion.

4. In New York, the Supreme Court found a student teacher negligent in an action involving injury to a pupil.

Legal Responsibility for the Actions and Welfare of Student Teachers. The investigation of this aspect of the study has yielded nothing except in the State of California where the Supreme Court held that a student teacher was entitled to compensation under the law of California after being injured while supervising a playground.

II. IMPLICATIONS

1. Since six of the ten states studied had expressed statutory authority for student teaching in the public schools and since four states appeared to have implied authority, it may be said that student teaching in the public schools of the

ten states studied was legal.

2. The law of the ten states varied considerably on the authority of the student teacher to regulate pupil conduct. The weight of evidence seemed to indicate that the student teacher had no authority to regulate pupil conduct.

3. In the matter of liability of the student teacher for pupil injury, the law of the ten states studied varied. Three of the states with save-harmless laws protected student-teachers. It appeared that in the other seven states the student teacher could be held personally liable for pupil injury.

4. As to the legal responsibility for the actions and welfare of the student teacher, little was found in legal sources. The California Supreme Court upheld a decision of a lower court to award compensation to a student teacher injured while supervising a playground.

III. RECOMMENDATIONS

Each of the ten states studied required student teaching for certification. It follows then that the state should provide some guides to enhance the fulfillment of the requirement. In a very real sense, cooperating school corporations become partners with teacher education institutions in preparing teachers at least to the extent of fulfilling the student teaching requirement. Generally, teacher education

institutions are legally independent of local school corporations. Each has separate boards of control, and much of the student teaching program is based on mutual agreement between the two.

Since student teachers are being placed in increasing numbers in public schools and since student teaching is required for certification, it follows that State Departments of Education have considerable responsibility to exercise leadership and regulation in this matter. The leadership and regulation should be established to help local school corporations provide the best opportunities for student teachers and to contribute to the total student-teaching program.

The following recommendations are made to provide clearly understood legal authority to permit student teaching in public schools and to clarify the role of the State Department of Education in the program.

1. Each state should enact legislation to authorize student teaching in its public schools, and the statute should define the general authority which may be delegated to a student teacher. Such duties should include: (1) supervision of extra-class activities; (2) substituting for the supervising teacher for short periods of time not to exceed one day at any one period of substitution; and (3) authority to regulate pupil conduct in the absence of the supervising teacher.

2. In each state that has a save-harmless statute, the statute that does not cover student teachers should be revised to do so. Where governmental immunity has been abrogated by court decree, a statute should be enacted to cover student teachers.

3. In states operating under the rule of governmental immunity steps should be taken to provide insurance to protect student teachers as well as supervising teachers.

4. The legislature of each state should enact a statute charging the State Department of Education with the responsibility to establish rules and regulations which would serve as a guide to both the local school corporation and the teacher-education institution in providing student teaching in the public schools.

The following points should be covered by such regulations.

(1) Certification requirements for supervising teachers.

(2) Maximum number of student teachers that may be assigned to a supervising teacher during each semester.

(3) Contract forms to be used between local school corporations and teacher-education institutions in drawing up agreements for student teaching in the public schools.

(4) Responsibilities of cooperating school corporations and teacher-education institutions for the actions and welfare of student teachers should be stated.

(5) In states that have neither expressed statutory authority for student teaching in public schools nor an attorney general's opinion on the matter, immediate steps should be taken to obtain an official opinion.

Also, questions concerning the legal status of student teachers in public schools should be raised for a response from the attorney general.

Such an opinion would serve as a legal guide until an appropriate statute could be enacted.

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